

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Rachel Freedman, <i>individually and on</i>)	
<i>behalf of all others similarly situated,</i>)	
Plaintiff,)	
)	
v.)	No. 20-CV-11369-RWZ
)	
DMO Norwood, LLC, et al.)	
Defendants)	
)	

DEFENDANTS' PARTIAL MOTION TO DISMISS
FOR FAILURE TO STATE A CLAIM

NOW COME the Defendants, DMO Norwood, LLC, Dan O'Brien Kia Norwood, and Dan O'Brien Auto Group (collectively, "DMO"), and move to dismiss nearly all of Plaintiff's Complaint for failure to state a claim upon which relief can be granted pursuant to Federal Rule of Civil Procedure 12(b)(6) for the reasons set forth in its Memorandum of Law filed herewith.

PRAYER FOR RELIEF

WHEREFORE, DMO respectfully requests that this Honorable Court:

- A. Dismiss the claims against DMO—with the exception of the AWD / FWD issue—with prejudice; and
- B. Grant such other relief as may be just and proper.

Respectfully submitted,

Attorneys for Defendants
Dan O'Brien Kia Norwood
DMO Norwood, LLC, and
Dan O'Brien Auto Group,

/s/ Edward J. Sackman
Edward J. Sackman, Esq. (BBO # 704383)
Hilary Holmes Rheaume, Esq.
(*pro hac vice* to be filed)
nsackman@bernsteinshur.com
hrheaume@bernsteinshur.com

BERNSTEIN SHUR
670 N. Commercial St., Suite 108
P.O. Box 1120
Manchester, New Hampshire 03105
(603) 623-8700

/s/ Daniel J. Mitchell
Daniel J. Mitchell, Esq. (BBO # 675232)
dmitchell@bernsteinshur.com

BERNSTEIN SHUR
100 Middle Street
P.O. Box 9279
Portland, Maine 04104
(207) 774-1200

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF System will be sent electronically to the registered participants as identified on the NEF (NEF) and paper copies will be sent to those indicated as non-registered participants on July 28, 2020.

Dated: July 28, 2020

/s/ Edward J. Sackman
Edward J. Sackman